

iSeries Timekeeper Schrock - Auburn
PUNCH DETAIL HISTORY
1/01/05 THRU 6/01/06

COUCH
6/21/06 8:13

CLK100P
PAGE: 5

DAY	DATE	ROUNDED		DAILY	NOTES	ACTUAL		SCHEDULED		PAY CODE	HOURS	AP	LABOR LVLS	TOTAL HOURS
		IN	OUT			IN	OUT	IN	OUT					
WED	9/14/05	5:00	15:30	L	11	4:55	15:30	5:00	13:30		10.00	1	01.5436	1593.70
THU	9/15/05	5:00	16:00	L	11	4:55	16:00	5:00	13:30		10.50	1	01.5436	1604.20
FRI	9/16/05	4:42	13:30	L	11	4:40	13:31	5:00	13:30		8.30	1	01.5436	1612.50
MON	9/19/05	5:00	14:00	L	11	4:53	14:00	5:00	13:30		8.50	1	01.5436	1621.00
TUE	9/20/05	5:00	14:18	L	11	5:00	14:18	5:00	13:30		8.80	1	01.5436	1629.80
WED	9/21/05	5:00	15:00	L	11	5:00	15:00	5:00	13:30		9.50	1	01.5436	1639.30
THU	9/22/05		TRANS	11		0:00		0:00		PT	2.00	1	01.5436	1641.30
THU	9/22/05	5:00	11:00	11		4:53	11:04	5:00	11:00		6.00	1	01.5436	1647.30
FRI	9/23/05	5:00	15:30	L	11	4:52	15:30	5:00	13:30		10.00	1	01.5436	1657.30
MON	9/26/05	5:00	13:30	11		4:52	13:32	5:00	13:30		8.00	1	01.5436	1665.30
TUE	9/27/05	5:00	13:30	11		4:47	13:31	5:00	13:30		8.00	1	01.5436	1673.30
WED	9/28/05	5:00	14:00	11		4:49	14:00	5:00	13:30		8.50	1	01.5436	1681.80
THU	9/29/05	5:00	13:30	11		4:54	13:33	5:00	13:30		8.00	1	01.5436	1689.80
FRI	9/30/05	5:00	14:12	L	11	4:53	14:14	5:00	13:30		8.70	1	01.5436	1698.50
MON	10/03/05	5:00	13:30	11		4:55	13:34	5:00	13:30		8.00	1	01.5436	1706.50
TUE	10/04/05	5:00	14:30	11		4:55	14:35	5:00	13:30		9.00	1	01.5436	1715.50
WED	10/05/05	5:00	13:54	L	11	4:47	13:55	5:00	13:30		8.40	1	01.5436	1723.90
THU	10/06/05	5:00	13:42	L	11	4:51	13:42	5:00	13:30		8.20	1	01.5436	1732.10
FRI	10/07/05	5:00	14:24	L	11	4:46	14:24	5:00	13:30		8.90	1	01.5436	1741.00
MON	10/10/05	5:00	15:48	L	11	4:49	15:50	5:00	13:30		10.30	1	01.5436	1751.30
TUE	10/11/05	5:00	15:00	L	11	4:53	15:00	5:00	13:30		9.50	1	01.5436	1760.80
WED	10/12/05	5:00	14:48	L	11	4:48	14:53	5:00	13:30		9.30	1	01.5436	1770.30
THU	10/13/05	5:00	14:30	L	11	4:51	14:31	5:00	13:30		9.00	1	01.5436	1779.60
FRI	10/14/05	5:00	14:48	L	11	4:52	14:48	5:00	13:30		9.30	1	01.5436	1788.60
MON	10/17/05	5:00	14:30	L	11	4:46	14:30	5:00	13:30		9.00	1	01.5436	1797.90
TUE	10/18/05	5:00	TRANS	11		5:00	14:54	5:00	13:30		9.40	1	01.5436	1806.90
WED	10/19/05		TRANS	11		5:00	15:10	5:00	13:30	*MULT	10.17	1	01.5436	1816.30
THU	10/20/05		TRANS	11		6:00	11:23	5:00	13:30	*MULT	5.30	1	01.5436	1826.47
FRI	10/21/05	5:00	14:30	L	11	4:52	14:34	5:00	13:30		9.00	1	01.5436	1831.77
MON	10/24/05	5:00	13:30	L	11	4:51	14:34	5:00	13:30		9.00	1	01.5436	1840.77
TUE	10/25/05	5:00	13:30	11		4:47	13:30	5:00	13:30		8.00	1	01.5436	1849.77
WED	10/26/05	5:00	13:30	11		4:47	13:30	5:00	13:30		8.00	1	01.5436	1857.77
THU	10/27/05	5:00	13:42	11		4:50	13:43	5:00	13:30		8.20	1	01.5436	1865.77
FRI	10/28/05	5:00	13:36	11		4:49	13:41	5:00	13:30		8.10	1	01.5436	1873.97
MON	10/31/05	5:00	13:30	11		4:52	13:35	5:00	13:30		8.00	1	01.5436	1882.07
TUE	11/01/05	5:00	13:30	11		4:51	13:36	5:00	13:30		8.00	1	01.5436	1890.07
WED	11/02/05	5:00	14:00	11		4:51	14:05	5:00	13:30		8.50	1	01.5436	1898.07
THU	11/03/05	5:00	TRANS	11		0:00		0:00		PT	4.00	1	01.5436	1906.57
FRI	11/04/05	5:00	9:24	L	11	4:53	9:25	5:00	9:00		4.40	1	01.5436	1910.57
MON	11/07/05	5:00	14:30	L	11	4:47	14:30	5:00	13:30		9.00	1	01.5436	1914.97
TUE	11/08/05	5:00	14:30	L	11	4:53	14:30	5:00	13:30		9.00	1	01.5436	1923.97
WED	11/09/05	5:00	14:30	L	11	4:49	14:30	5:00	13:30		9.00	1	01.5436	1932.97
THU	11/10/05	5:00	14:30	L	11	5:00	14:30	5:00	13:30		9.00	1	01.5436	1941.97
FRI	11/11/05	5:00	14:30	L	11	5:00	14:30	5:00	13:30		9.00	1	01.5436	1950.97
MON	11/14/05	5:00	14:42	L	11	4:52	14:43	5:00	13:30		9.20	5	01.5436	1959.97
TUE	11/15/05	5:00	14:36	L	11	4:53	14:41	5:00	13:30		9.10	5	01.5436	1969.17
WED	11/16/05	5:00	15:18	L	11	4:54	15:21	5:00	13:30		9.80	5	01.5436	1978.27
THU	11/17/05	5:00	13:54	L	11	5:00	13:50	5:00	13:30		8.00	5	01.5436	1988.07
FRI	11/18/05	5:00	13:30	L	11	5:00	13:58	5:00	13:30		8.40	5	01.5436	1996.07
MON	11/21/05	5:00	13:30	L	11	4:53	13:30	5:00	13:30		8.00	5	01.5436	2004.47
TUE	11/22/05	4:42	15:00	L	11	4:41	15:00	5:00	13:30		9.80	5	01.5436	2012.47
WED	11/23/05	5:00	13:30	L	11	4:46	13:30	5:00	13:30		8.00	5	01.5436	2020.27

iSeries Timekeeper Schrock - Auburn
PUNCH DETAIL HISTORY
1/01/05 THRU 6/01/06

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COUCHK
6/21/06 8:13

DAY	DATE	ROUNDED		DAILY NOTES	ACTUAL		SCHEDULED		PAY CODE	HOURS	AP	LABOR LVLS	TOTAL HOURS
		IN	OUT		IN	OUT	IN	OUT					
THU	11/24/05		TRANS	11	0:00	0:00	0:00	1:00	HO	8.00	5	01.5436	2038.27
FRI	11/25/05		TRANS	11	0:00	0:00	0:00	1:00	HO	8.00	5	01.5436	2046.27
MON	11/28/05	5:00	13:30	11	4:48	13:33	5:00	13:30		8.00	5	01.5436	2054.27
TUE	11/29/05	5:00	13:30	11	4:50	13:34	5:00	13:30		8.00	5	01.5436	2062.27
WED	11/30/05	5:00	12:54	11	4:51	12:57	5:00	12:54		7.90	5	01.5436	2070.17
THU	12/01/05	5:00	14:30	11	4:52	14:33	5:00	13:30		9.00	5	01.5436	2079.17
FRI	12/02/05	5:00	14:30	11	4:52	14:32	5:00	13:30		9.00	5	01.5436	2088.17
SAT	12/03/05		TRANS	11	6:00	12:00	6:00	12:00	PPR	9.30	5	01.5436	2094.17
MON	12/05/05	5:00	14:48	11	4:52	14:53	5:00	13:30		9.30	5	01.5436	2103.47
TUE	12/06/05	5:00	14:30	11	4:52	14:33	5:00	13:30		9.00	5	01.5436	2112.47
WED	12/07/05	5:00	17:24	11	4:51	17:27	5:00	13:30		11.90	5	01.5436	2124.37
THU	12/08/05		TRANS	11	0:00	0:00	0:00	0:00	AB	8.00	5	01.5436	2132.37
FRI	12/09/05	5:00	14:48	11	4:45	14:48	5:00	13:30		9.30	5	01.5436	2141.67
MON	12/12/05	5:00	14:00	11	4:48	14:03	5:00	13:30		8.50	5	01.5436	2150.17
TUE	12/13/05	5:00	14:54	11	4:46	14:54	5:00	13:30		9.40	5	01.5436	2159.57
WED	12/14/05		TRANS	11	0:00	0:00	0:00	0:00	PT	2.00	5	01.5436	2161.57
THU	12/15/05	5:00	12:30	11	4:53	12:30	5:00	12:30		7.00	5	01.5436	2168.57
FRI	12/16/05		TRANS	11	5:00	15:31	5:00	13:30	*MULT	10.00	5	01.5436	2178.57
MON	12/19/05	5:00	12:30	11	0:00	0:00	0:00	13:30	L1	1.00	5	01.5436	2179.57
TUE	12/20/05	5:00	7:54	11	4:52	12:30	5:00	13:30	FM	5.10	5	01.5436	2186.57
WED	12/21/05	5:00	7:54	11	4:54	7:57	5:00	7:54		2.90	5	01.5436	2194.57
THU	12/22/05		TRANS	11	0:00	0:00	0:00	0:00	FM	8.00	5	01.5436	2202.57
FRI	12/23/05		TRANS	11	0:00	0:00	0:00	0:00	FM	8.00	5	01.5436	2210.57
MON	12/26/05		TRANS	11	0:00	0:00	0:00	0:00	HONP	8.00	5	01.5436	2218.57
TUE	12/27/05		TRANS	11	0:00	0:00	0:00	0:00	HONP	8.00	5	01.5436	2226.57
WED	12/28/05		TRANS	11	0:00	0:00	0:00	0:00	FM	8.00	5	01.5436	2234.57
THU	12/29/05		TRANS	11	0:00	0:00	0:00	0:00	FM	8.00	5	01.5436	2242.57
FRI	12/30/05		TRANS	11	0:00	0:00	0:00	0:00	FM	8.00	5	01.5436	2250.57
MON	1/02/06		TRANS	11	0:00	0:00	0:00	0:00	HONP	8.00	5	01.5436	2258.57
TUE	1/03/06	5:00	13:30	11	0:00	0:00	0:00	0:00	HONP	8.00	5	01.5436	2266.57
WED	1/04/06		TRANS	11	4:53	13:34	5:00	13:30		8.00	5	01.5436	2274.57
THU	1/05/06	5:00	7:06	11	4:56	7:10	5:00	13:30	L2	7.90	5	01.5436	2282.57
FRI	1/06/06	2312.57	WORKED	11	0:00	0:00	0:00	0:00	AB	10.00	5	01.5436	2290.47
TOT HRS:		2312.57	WORKED		300.80	PAID	1982.67	OT0.5	ADJUST	180.80			2312.57
HOURS BY PAY CODE					REGULAR		1982.67	OT0.5	VACATION	154.07			80.00
HOURS BY PAY CODE					EXCUSED DOCTOR		.30	HOLIDAY NO PAY	TARDY	48.00			.10
HOURS BY PAY CODE					PHYSICAL INVEN		21.20	TARDY <= 2HRS	PLANT SHUTDOWN	.30			8.00
HOURS BY PAY CODE					TRAINING		2.00	PLT PROD RATIO	EARLY LEAVE <=	6.00			1.00
HOURS BY PAY CODE					EARLY LEAVE >2		7.90						
** FINAL TOTALS													
TOT HRS:		2312.57	WORKED		300.80	PAID	1982.67	OT0.5	ADJUST	180.80			80.00
HOURS BY PAY CODE					REGULAR		1982.67	OT0.5	VACATION	154.07			.10
HOURS BY PAY CODE					EXCUSED DOCTOR		.30	HOLIDAY NO PAY	TARDY	48.00			8.00
HOURS BY PAY CODE					PHYSICAL INVEN		21.20	TARDY <= 2HRS	PLANT SHUTDOWN	.30			8.00
HOURS BY PAY CODE					TRAINING		2.00	PLT PROD RATIO	EARLY LEAVE <=	6.00			1.00
HOURS BY PAY CODE					EARLY LEAVE >2		7.90						

EXHIBIT 3

COUCH
12/27/05 18:55

iSeries Attendance: Schrock - Auburn

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ATTENDANCE
TOTAL POINTS DETAIL
7/11/05 THRU 12/24/05

SUPERVISOR: JOL

EMPLOYEE
NUMBER EMPLOYEE NAME

DATE CODE

POINTS TOTAL
POINTS POINTS

REDACTED

60846 Ronnie Giles

8/24/05	T1	TARDY -	<=2HRS
9/01/05	AB	ABSENCE	
9/08/05	T1	TARDY -	<=2HRS
12/08/05	AB	ABSENCE	

.50	.50
2.00	2.50
.50	3.00
2.00	5.00

COUCHK
12/27/05 18:55

SUPERVISOR: JOL

EMPLOYEE
NUMBER EMPLOYEE NAMESeries Attendance: Schrock - Auburn
ATTENDANCE
TOTAL POINTS DETAIL
7/11/05 THRU 12/24/05CLK464
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DATE	CODE	POINTS	TOTAL POINTS
12/16/05	L1	EARLY DEPARTURE - <=2HRS	.50
			5.50

REDACTED

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

RONNIE GILES,

PLAINTIFF,

CIVIL ACTION NO. 3:06-CV-528-WKW

V.

MASTERBRAND CABINETS, INC.,

DEFENDANT.

PLAINTIFF'S RESPONSES TO DEFENDANT'S
REQUEST FOR ADMISSIONS

Comes now the Plaintiff, Ronnie Giles, and responds to the Defendant's Request for Admissions as follows:

1. Admit that you were tardy on August 24, 2005, as reflected on Exhibit A.

RESPONSE: Admitted that the document labeled Exhibit A reflects a Tardy for 8/24/05. Plaintiff cannot admit or deny he was tardy on August 24, 2005.

2. Admit that as a result of being tardy on August 24, 2005, you incurred one-half (.5) point in accordance with the Attendance Policy attached as Exhibit B.

RESPONSE: Admitted that the document labeled as Exhibit B cites on page 2 that a one-half (.5) point penalty results from an early departure or break in workday which is 2 hours or less and requires supervisor approval.

3. Admit that you were absent on September 1, 2005, as reflected on Exhibit

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DEFENDANT'S
EXHIBIT

4

A.

RESPONSE: Admitted that the document labeled Exhibit A reflects an Absence for 9/1/05. Plaintiff cannot admit or deny that he was absent on September 1, 2005.

4. Admit that as a result of your absence on September 1, 2005, you incurred two (2) points in accordance with the Attendance Policy attached as Exhibit B.

RESPONSE: Admitted that the document labeled as Exhibit B, on page 2, cites that a two (2) point penalty results from an absence of a schedule shift.

5. Admit that you were tardy on September 8, 2005, as reflected on Exhibit A.

RESPONSE: Admitted that the document labeled Exhibit A reflects a tardy for 9/8/05. Plaintiff cannot admit or deny that he was tardy on September 8, 2005.

6. Admit that as a result of being tardy on September 8, 2005, you incurred one-half (.5) point in accordance with the Attendance Policy attached as Exhibit B.

RESPONSE: Admitted that the document labeled as Exhibit B cites on page 2 that a one-half (.5) point penalty results from an early departure or break in workday which is 2 hours or less and requires supervisor approval.

7. Admit that you were absent on December 8, 2005, as reflected on Exhibit A.

RESPONSE: Admitted that the document labeled Exhibit A reflects an Absence for 12/08/05. Plaintiff cannot admit or deny that he was absent on December 8, 2005.

8. Admit that as a result of your absence on December 8, 2005, you incurred two (2) points in accordance with the Attendance Policy attached as Exhibit B.

RESPONSE: Admitted that the document labeled as Exhibit B, on page 2, cites that a two (2) point penalty results from an absence of a schedule shift.

9. Admit that you left work early on December 16, 2005, as reflected on Exhibit A.

RESPONSE: Admitted that the document labeled Exhibit A reflects a Tardy for 12/16/05. Plaintiff cannot admit or deny he left work early on December 16, 2005.

10. Admit that as a result of your leaving work early on December 16, 2005, you incurred one-half (.5) point in accordance with the Attendance Policy attached as Exhibit B.

RESPONSE: Admitted that the document labeled as Exhibit B cites on page 2 that a one-half (.5) point penalty results from an early departure or break in workday which is 2 hours or less and requires supervisor approval.

11. Admit that on January 4, 2006, you worked 2.1 hours as reflected on

Exhibit A.

RESPONSE: Admitted that the document labeled Exhibit A reflects rounded paid time of 2.1 hours for 1/04/06.

12. Admit that as a result of leaving work early on January 4, 2006, you incurred one (1) pointing accordance with the Attendance Policy attached as Exhibit B.

RESPONSE: Admitted that the document labeled as Exhibit B cites on page 2 that a one point (1.0) point penalty results from an early departure or break in workday which is 2 hours or more and requires supervisor approval.

13. Admit that you were absent from work on January 5, 2006, as reflected on Exhibit A.

RESPONSE: Admitted that the document labeled Exhibit A reflects an absence for 1/05/06 and that Plaintiff was absent on January 5, 2006 due to a serious health condition.

14. Admit that you incurred two (2) points as a result of your absence on January 5, 2006, in accordance with the Attendance Policy attached as Exhibit B.

RESPONSE: Admitted that the document labeled as Exhibit B cites on page 2 that a one point (2.0) point penalty results from an early departure or break in workday which is 2 hours or more and requires supervisor approval. Denied that Plaintiff's absence of January 5, 2006 resulted in a point penalty under the policy.

15. Admit that you were absent from work on January 6, 2006, as reflected on Exhibit A.

RESPONSE: Admitted that the document labeled Exhibit A reflects an absence for 1/06/06 and that Plaintiff was absent on January 6, 2006 due to a serious health condition.

16. Admit that you incurred one (1) point as a result of your absence on January 6, 2006, in accordance with the Attendance Policy attached as Exhibit B.

RESPONSE: Admitted that the document labeled as Exhibit B cites on page 2 that a one point (1.0) point penalty. Denied that Plaintiff's absence of January 6, 2006 resulted in a point penalty under the policy.

17. Admit that through and including your absence on January 6, 2006, you had incurred a total of 9.5 points in accordance with the Attendance Policy.

RESPONSE: Denied.

18. Admit that your signature appears on the Associate Receipt attached as Exhibit C.

RESPONSE: Admitted.

19. Admit that you received a copy of the Attendance Policy attached as Exhibit B.

RESPONSE: Admitted.

20. Admit that you received a verbal warning on November 2, 2005, regarding your accumulation of points under the Attendance Policy.

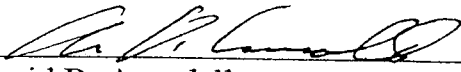
RESPONSE: Denied.

21. Admit that you received the employee written warning notice attached hereto as Exhibit D.

RESPONSE: Denied.

22. Admit that MBCI calculated appropriately your points under the Attendance Policy.

RESPONSE: Denied.



David R. Arendall
Allen D. Arnold
Attorneys for Plaintiff

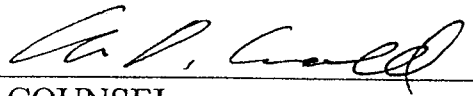
OF COUNSEL:

ARENDALL & ASSOCIATES
2018 Morris Avenue, Third Floor
Birmingham, AL 35203
205.252.1550 – Office
205.252.1556 – Facsimile

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2006 I have served a copy of the foregoing on the below listed counsel in this proceeding by forwarding a copy of same by U. S. Mail, properly addressed and postage prepaid upon:

Kelly Bertoux Creveling, Esq.
Baker & Daniels, LLP
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204



OF COUNSEL

EXHIBIT 5

tardy	8/24/05	.5	
AB	9/1/05	2.0	
tardy	9/8/05	.5	
AB	12/8/05	2.0	
LE	12/16/05	<u>.5</u>	<u>5.0</u> as of 12/8/05
		5.5	
LE	1/4/06	<u>1.0</u>	
		6.5	

DEFENDANT'S
EXHIBIT

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EXHIBIT 6



UGHSTON

12/16/2005

Auburn - Hughston
379538DOB / AGE: 03/29/1959 / 46 YR
NEW PATIENT02:30 PM
Clinic

DR JAMES LYLE, MD

RONNIE GILES

SSN: 421922060

Employer _____

Date of visit _____

FOLLOW-UP:

- ☐ Return for follow-up on _____ at _____ am/pm.
☐ Return to company nurse for follow-up.
☐ Discharged. No further treatment anticipated at this time.
☐ Scheduled for following test: _____ on _____ at _____.

WORK STATUS:

- ☐ Return to regular duty (today unless noted different).
☐ Unable to work because:
 ☐ Unable to be up > 4 hours continuously.
 ☐ Needs complete bed rest.
 ☐ Severe pain or medication effect.
 ☐ Other (specify) _____
☐ Unable to work until:
 ☐ () days (see restrictions below for work return)
 ☐ Next clinic visit
☒ Return to modified duty with the following restrictions (today unless noted different, restrictions are good through next appointment):

- | | |
|---|---|
| <input checked="" type="checkbox"/> No lifting > than <u>10</u> lbs. | <input type="checkbox"/> No use of right/left _____ |
| <input checked="" type="checkbox"/> No pushing or pulling > <u>10</u> lbs. | <input type="checkbox"/> No excessive bending at waist |
| <input type="checkbox"/> May increase lifting/pushing/pulling as pain decreases | <input type="checkbox"/> No excessive kneeling/crawling/squatting on knees. |
| <input type="checkbox"/> Alternate standing & sitting to decrease pain | <input type="checkbox"/> Limit shifts to 8/4 hours per 24 |
| <input type="checkbox"/> Sitting job only | <input type="checkbox"/> Must wear brace/splint at work |
| <input type="checkbox"/> No standing/walking > _____ minutes per hour | <input type="checkbox"/> Use crutches/cane for walking |
| <input checked="" type="checkbox"/> No outstretched reaching or work above shoulder level (R arm) | <input type="checkbox"/> No ladder or repetitive stair climbing |
| <input type="checkbox"/> No truck driving | <input type="checkbox"/> No repetitive wrist movement or forceful finger grasping |
| <input type="checkbox"/> Elevate affected area as needed | <input type="checkbox"/> Must keep affected area/cast clean and dry |

COMMENTS:

Examiner _____

Time in: _____
Time out: _____

Auburn Office

 161 E. University Drive • Auburn, Alabama • 36832-6725
 334/826-2090 • Nationwide WATS: 1-800-331-2910 • FAX: 334/821-3191 • <http://www.hughston.com>
**DEFENDANT'S
EXHIBIT**

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EXHIBIT 7

REQUEST FOR LEAVE OF ABSENCE

Name: Ronnie Giles Shift: 1st Department: WH
 Social Security #: _____ Date of Hire: 7-19-99 Clock #: 106846

Was the injury/illness work related? (circle one) YES ☐ NO ☒

Reason for leave request: (Please check one) Date of Request: 12-19-05

- ☒ Due to your own injury or illness (may be covered by FMLA)
☐ Due to medical condition of your spouse, parent, son, or daughter (may be covered by FMLA)
☐ Due to birth and/or care for a child, placement for adoption or foster care (may be covered by FMLA)
☐ Military Leave
☐ Funeral Leave
☐ Jury or Witness Duty
☐ Personal Leave of Absence

FMLA papers given 12-21-05.
 Return within 15 days by 1-3-06.

Ronnie Giles

Date requested leave to begin: 12-19-05 Anticipated return date: JAN 3, 2006

Description (REQUIRED): In order to properly process your request, you need to provide a general description of the circumstances giving rise to your need – including an indication as to when you first realized you would need a leave of absence.

ON 12-15-05 when laying down in bed on RIGHT SHOULDER WAS
too painful to lay on. Had sharp pains in shoulder on Friday 16th
at work and more sharp pains in foot.

Employee Signature: Ronnie Giles Date: 12-19-05
12-21-05

APPROVED

NOT APPROVED

Approval Date: 1-6-06

Business Unit Manager _____ Human Resources Manager _____ General Manager _____

Date: _____ Date: 1-6-06 Date: _____

Completion of this form only represents a request for a leave of absence. A leave is approved only if all three signatures appear above. This form does not absolve you of your responsibility for compliance with any attendance policy provision.

Leave Starting Date: 12-19-05 For Human Resources Use Only: Last Date Worked: 12-11-05 Return To Work Date: 1-3-06

Paid Leave: ☒ YES ☐ NO Number Of Days Paid: _____

PTO/Vacation Deduction: 0 STD Benefit Level: _____ Workers Comp Benefit Level: _____

DEFENDANT'S
EXHIBIT

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EXHIBIT 8

EMPLOYEE ACKNOWLEDGEMENT AND RECEIPT

I acknowledge that I have received a copy of MasterBrand Cabinets, Inc.'s employee handbook. The employee handbook contains comprehensive information about terms and conditions of my employment with MBCI. In particular, the employee handbook contains two sections entitled Standards of Business Conduct and Employment Policies and Procedures that have been brought to my attention. I have been advised to read these sections carefully and bring any questions I have about the content or meaning of the information contained in these sections to the attention of Human Resources. By signing this acknowledgement and receipt, I am hereby certifying that I have carefully read and understand the information contained in these tabs and that all questions or issues I may have had about this information have been answered to my satisfaction. I further acknowledge that if I have any questions or concerns in the future regarding these sections, I should raise these issues with Human Resources.

I understand that this handbook and the policies and procedures contained within it are not intended to create a contract of employment between MBCI and any of its employees. I understand that unless I am presented with a document entitled "Employment Agreement," I am an at-will employee of MBCI. Finally, I understand that MBCI, for business-related reasons, reserves the right to change policies and procedures described in this handbook and that such changes will be communicated to employees for insertion into the employee handbook.

With regard to the Standards of Business Conduct, I acknowledge that an effective compliance program requires active participation and involvement and that I have a duty to report activities which, in good faith, I believe are or may be potential violations of the Standards of Business Conduct. Any violation, failure to report a violation or retaliation against another employee for his/her action in reporting a violation or potential violation will subject me to disciplinary action which may include the termination of my employment relationship with MBCI.

Dated: 10-26-07


Signature



Printed Name

DEFENDANT'S
EXHIBIT

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EXHIBIT 9

MasterBrand

c a b i n e t s , i n c .

Via Certified Mail

Monday, January 09, 2006

Ronnie Giles
3006 Pheasant Ave
Opelika, AL 36801

Ronnie:

This letter will confirm our discussion on Monday, January 9, 2006 at which I notified you of the company's decision to terminate your employment with MBCI effective January 7, 2006.

Maintenance of good attendance is a condition of employment. On July 15, 2005 you were issued a copy of the plant's attendance policy. You were informed at that time your employment would be terminated if you incurred a total of nine points as outlined by the attendance policy.

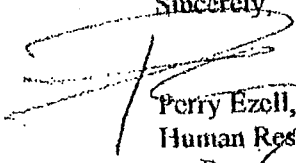
As of January 3, 2006 you had accumulated 5.5 points, subsequent to that you left early on January 4, 2006 which resulted in another point being assessed. You were then absent on January 5 and again on January 6 which resulted in your being assessed another three (3) points. This brought your point total to 9.5 points.

Therefore we have no choice but to terminate your employment effective January 9, 2006. With the termination of your employment, you are no longer authorized to return to MBCI's property.

You will be receiving information concerning continued health coverage under the Consolidated Omnibus Budget Reconciliation Act ("COBRA") and other benefits you were receiving in a separate letter. Any pay due you will be paid during the next pay period.

Any questions regarding these issues please call me at (334) 887-5600.

Sincerely,


Perry Ezell, DHR
Human Resources Manager
cc: Personnel File

DEFENDANT'S
EXHIBIT

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